

REMARKS

Claims 36, 39-52 and 55-66 are all the claims pending in the present application, claims 37 and 53 having been canceled as indicated herein. Claims 36 and 52 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.¹ Claims 36 and 52 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ort et al. (U.S. Patent No. 5,659,626). Claims 37, 39-51, 53 and 55-66 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ort, and further in view of Murakawa (U.S. Patent No. 6,381,365).

§ 112, first paragraph, Rejections - Claims 36 and 52

Claims 36 and 52 are rejected under 35 U.S.C. § 112, first paragraph, based on the reasons set forth on pages 3-4 of the Office Action. These claims are amended, as indicated herein.

Applicants believe that the Examiner's rejections under 35 U.S.C. § 112, first paragraph, are obviated.

¹ The Examiner also alleges that one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 119 have not been complied with based on reasons related to the § 112, first paragraph rejection.

§ 102(b) Rejections (Ort) - Claims 36 and 52

Applicants amend claims 36 and 52, as indicated herein, to incorporate the features set forth in claims 37 and 53. The features of claims 37 and 53 are rejected over the combination of Ort and Murakawa and are addressed in the section below.

§ 103(a) Rejections (Ort / Murakawa) - Claims 37, 39-51, 53 and 55-66

With respect to claims 36 and 52 (which incorporate claims 37 and 53), Applicants submit that neither Ort nor Murakawa, either alone or in combination, discloses or suggests at least, “wherein the regularity of the image is expressed as one of a plurality of predetermined values,” as recited in amended claims 36 and 52. The Examiner believes that the above-quoted features are satisfied by Murakawa, however Murakawa only discloses the calculation of similarity between images. “Similarity,” as disclosed in Murakawa, is unrelated to the claimed regularity set forth in amended claims 36 and 52. At least based on the foregoing, Applicants submit that claims 36 and 52 are patentably distinguishable over the applied references, either alone or in combination.

Applicants submit that claims 39-51 and 55-66 are patentable at least by virtue of their respective dependencies from independent claims 36 and 52.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 35 U.S.C. §1.111
U.S. SERIAL NO.: 10/795,991

Atty. Docket No.: Q80410

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Diallo T. Crenshaw
Registration No. 52,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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